

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION**

IN THE MATTER OF: ) No. B-06-81234 C-13D  
David S. McDonald )  
Cheryl A. McDonald )  
 )  
Debtors )

**ORDER**

This matter coming before the Court upon the Motion of Richard M. Hutson, II, Trustee for the above-referenced Debtors, to modify the Debtor's plan to provide for insurance proceeds on the Debtors' 2000 Jeep which has been involved in a collision and declared a total loss, and there being no filed objection to the Motion within the time period set forth in the Notice issued on September 3, 2009, by the Clerk of Court setting October 3, 2009, as the deadline for filing objections to the Motion and the Court, after considering the Motion, finds the Motion should be allowed; therefore it is ORDERED:

1. The remaining secured claim of DaimlerChrysler having a principal balance of \$3,258.01 plus interest at the rate of 9.5% per annum from July 31, 2009, shall be satisfied from insurance proceeds and such proceeds shall be paid by the insurance carrier directly to DaimlerChrysler.
2. Upon receipt of the insurance proceeds, DaimlerChrysler shall release its lien on the automobile and forward the certificate of title to the automobile directly to the insurance carrier.
3. In the event that the insurance proceeds exceed the balance of the secured claim, such remaining proceeds shall be paid to the Trustee for application upon the Debtors' plan.
4. In the event that the balance of DaimlerChrysler's secured claim exceeds the amount of insurance proceeds, DaimlerChrysler shall have 90 days from the entry of this Order within which to amend its allowed unsecured claim to reflect the total deficiency and unsecured balance owed, and if no amended claim is timely filed, the secured claim of DaimlerChrysler shall be deemed satisfied from insurance proceeds.

**PARTIES IN INTEREST**

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